

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
AUGUST 14, 2012**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of December 16, 2011 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ronald Dobies (vacation)
Council President:	Ron DiMura
	Jeffrey First (work)
	Sean Kaplan
	Patricia Jenkins
	Michael Paff (absent)
	Michele Tackach

Attorney:	Aravind Aithal
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PRESENTATIONS-NONE

COMMUNICATIONS/APPOINTMENTS-NONE

PUBLIC HEARINGS

The Borough Clerk read Ordinance No. 1815-12 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

**BOROUGH OF MIDDLESEX
ORDINANCE NO. 1815-12**

**AN ORDINANCE FIXING AND DETERMINING THE SALARIES AND COMPENSATION OF THE
WHITE COLLAR ADMINISTRATIVE PERSONNEL OF THE BOROUGH OF MIDDLESEX FOR THE
YEARS 2012, 2013 & 2014**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

The salary and rate of compensation of each of the officers and employees of the Borough of Middlesex shall be and the same is hereby fixed respectively as:

	2012	2013	2014
GRADE A	2%	2.25%	2.25%
Recreation	\$ 33,757.92	\$ 34,517.47	\$ 35,294.11

Secretary			
**Admin.Asst/Aging			
GRADE B			
Finance Clerk	\$ 41,146.67	\$ 42,072.47	\$ 43,019.10
Deputy Court Admin.	\$ 40,000.00	\$ 40,900.00	\$ 41,820.25
Certified Senior Technical Assistant	\$ 42,928.74	\$ 43,894.64	\$ 44,882.27

Dept.Ct.Admin – Includes the bi-lingual stipend.

SECTION 2

Rates of Compensation established above shall serve as a guide in employment and subsequent changes in rates of employees hired after passage of this ordinance.

SECTION 3

The Mayor and Council shall have the sole discretion in determining who shall be placed on Minimum, Maximum and on interim steps of the salary range and their determination shall be final and conclusive on all employees.

SECTION 4

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are and the same are hereby repealed.

SECTION 5

This Ordinance shall take effect upon its final passage, approval and publication according to law.

Council President DiMura opened the public hearing on Ordinance No. 1815-12. Seeing that there was no public participation, Council President DiMura closed the public hearing on Ordinance No. 1815-12.

Council President DiMura moved for adoption seconded by Councilman Kaplan and carried by the following roll call votes: Ayes: DiMura, First, Jenkins, Kaplan, Paff and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1816-12 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

BOROUGH OF MIDDLESEX ORDINANCE NO. 1816-12

AN ORDINANCE FIXING AND DETERMINING THE SALARIES AND COMPENSATION OF CERTAIN HOURLY PUBLIC WORKS EMPLOYEES OF THE BOROUGH OF MIDDLESEX FOR THE YEARS 2012, 2013 and 2014.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

The salary and rate of compensation of each hourly employee of the Board of Public Works of the Borough of Middlesex shall be and the same is hereby fixed respectively for the years 2012, 2013 & 2014 as follows:

PUBLIC WORKS EMPLOYEES, INCLUDING ROADS, PARKS, SANITATION, RECYCLING AND SEWERS:

Title	Salary/ Hour 2012	Salary/ Hour 2013	Salary/ Hour 2014	Salary/ Hour
Laborer	2%	2.25%	2.25%	
First six months	\$13.43	\$13.73	\$14.04	
6-18 months	\$16.15	\$16.51	\$16.88	
19-30 months	\$18.92	\$19.35	\$19.79	
31-42 months	\$20.39	\$20.85	\$21.32	
43-54 months	\$22.28	\$22.78	\$23.29	
55-66 months	\$24.78	\$25.34	\$25.91	
67 months plus	Top Rate	Top Rate	Top Rate	
Garbage Department Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012 2%	2013 2.25%	2014 2.25%	
Garbage Truck Driver	\$31.7241	\$32.4379	\$33.1678	
Garbage Collection	\$30.3323	\$31.0148	\$31.7126	
Lead Person	\$31.8295	\$32.5457	\$33.2780	
Parks Department Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012	2013	2014	
Lead Person	\$31.8295	\$32.5457	\$33.2780	
Public Works Employee #1	\$30.3323	\$31.0148	\$31.7126	
Solid Waste Department Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012 2%	2013 2.25%	2014 2.25%	
Solid Waste Truck Driver	\$31.7241	\$32.4379	\$33.1678	
Solid Waste Employee #1	\$30.3323	\$31.0148	\$31.7126	
Solid Waste Employee #1	\$30.3312	\$31.0137	\$31.7115	
Road Department Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012 2%	2013 2.25%	2014 2.25%	

Lead Person	\$31.8295	\$32.5457	\$33.2780	
Public Works Employee #1	\$30.3323	\$31.0148	\$31.7126	
Chief Mechanic	\$34.8862	\$35.6711	\$36.4737	
Mechanic - Assistant	\$32.4063	\$33.1354	\$33.8809	
Sewer Department Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012 2%	2013 2.25%	2014 2.25%	
Public Works Employee #1	\$30.3321	\$31.0146	\$31.7124	
General Public Works Employees:				
	Salary/Hour	Salary/Hour	Salary/Hour	Salary/Hour
Title	2012 2%	2013 2.25%	2014 2.25%	
Utility Person	\$17.1902	\$17.5770	\$17.9725	

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SECTION 3

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SECTION 4

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 5

This Ordinance shall take effect upon its final passage, approval and publication according to law.

Council President DiMura opened the public hearing on Ordinance No. 1816-12. Seeing that there was no public participation, Council President DiMura closed the public hearing on Ordinance No. 1816-12.

Council President DiMura moved for adoption seconded by Councilman Kaplan and carried by the following roll call votes: Ayes: DiMura, First, Jenkins, Kaplan, Paff and Tackach. Nos.: None. Abstain: None.

NEW BUSINESS

The Borough Clerk read Ordinance No. 1817-12 by title for introduction.

BOROUGH OF MIDDLESEX ORDINANCE NO. 1817-12

**AN ORDINANCE TO AMEND CHAPTER 158, RESALE CERTIFICATES AND RESALE LEASED
CERTIFICATES AND AMENDING SECTION 158-2 FEE FOR RESALE CERTIFICATE AND SECTION
158-7 FEE FOR RESALE LEASED CERTIFICATE OF THE CODE OF THE BOROUGH OF
MIDDLESEX**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX THAT:

(a) Chapter 158-2 Fee shall be amended to read as follows:

The fee for a Resale Certificate shall be \$100 in the event that only one inspection is required of the Construction Official, but in the event that the Construction Official is required to make more than one inspection of the premises before issuing a Resale Certificate, there shall be an additional charge of \$50 per each inspection of the premises made by the Construction Official after the initial inspection.

(b) Chapter 158-7 Fee shall be amended to read as follows:

The fees for a Resale Leased Certificate shall be \$250.

(c) All references to Certificate of Occupancy or Certificate of Continued Occupancy shall be amended to read "Resale Certificate" and all references to Certificate of Leased Occupancy shall be amended to read "Resale Leased Certificate" in Chapter 158.

Councilman Kaplan moved for introduction seconded by Councilwoman Jenkins and carried by the following roll call votes: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1818-12 by title for introduction.

**BOROUGH OF MIDDLESEX
ORDINANCE NO. 1818-12**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS OF THE BOROUGH OF MIDDLESEX, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING THE
AGGREGATE AMOUNT OF \$1,116,450 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$779,125 BONDS OR NOTES
OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,116,450, including a grant in the amount of \$300,000 from the State of New Jersey Department of Transportation (the "State Grant") for the purpose or improvement in Section 3(e)(1) and further including the aggregate sum of \$37,325 as the several down payments for the improvements or purposes required by the Local Bond Law.

No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for the purpose or improvement in Section 3(e)(1) since the improvement or purpose is being partially funded by the State Grant. The amount of the down payment appropriated is 5% of the costs of the improvements or purposes which are not funded by the above referenced State Grant (\$746,500). The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and the State Grant referred to in Section 1 hereof, negotiable bonds are hereby authorized to be issued in the principal amount of \$779,125 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) <u>Public Works Department</u>			
1) The acquisition of plow equipment, including all related costs and expenditures incidental thereto.	\$12,000	\$11,400	15 years
2) The acquisition of a tilt camera with 3x digital zoom, including all related costs and incidental thereto.	\$73,000	\$69,350	10 years
3) Retro fits, including all work and materials necessary therefor and incidental thereto.	\$23,000	\$21,850	15 years
4) Cleaning of streams, including all work and materials necessary therefor and incidental thereto.	\$153,000	\$145,350	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
b) <u>Police Department</u>			
1) The acquisition of computer hardware, including all related costs and expenditures incidental thereto.	\$12,000	\$11,400	5 years
2) The acquisition of an APG interviewer recording system for interview rooms, including all related costs and expenditures incidental thereto.	\$18,000	\$17,100	10 years
3) The acquisition of rifle mounts for patrol cars and rifle/shotgun racks for armory, including all related costs and expenditures incidental thereto.	\$7,000	\$6,650	10 years
c) <u>Fire Department</u>			
The acquisition of new hoses for engine 21 and 23, gear and a thermal imaging camera for engine 21 and 23, including all related costs and expenditures incidental thereto.	\$77,000	\$73,150	5 years
d) <u>Rescue Squad Department</u>			
The acquisition of automated external defibrillators and a Striker ambulance cot and mount, including all related costs and expenditures incidental thereto.	\$17,500	\$16,625	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
e) <u>Road Department</u>			
1) Improvements to Howard Avenue, including all work and materials necessary therefor and incidental thereto.	\$369,950 (includes a \$300,000 State of New Jersey Department of Transportation Grant)	\$69,950	10 years
2) Improvements to secondary roads, including all work and materials necessary therefor and incidental thereto.	\$200,000	\$190,000	5 years
f) <u>Buildings and Grounds Department</u>			
The acquisition of a chiller for municipal buildings, including all related costs and expenditures incidental thereto.	\$48,000	\$45,600	15 years
g) <u>Office of Emergency Management</u>			
The acquisition of a new command vehicle and upgrades, including all related costs and expenditures incidental thereto.	\$40,000	\$38,000	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
h) <u>Computer Data Department</u>			
1) The acquisition of a new server for phones, including all related costs and expenditures incidental thereto.	\$40,000	\$38,000	10 years
2) The acquisition of a wireless connection for the Recreation/Senior Center, including all related costs and expenditures incidental thereto.	\$5,000	\$4,750	10 years
i) <u>Recreation Department</u>			
1) The acquisition of a new copier, including all related costs and expenditures incidental thereto.	\$15,000	\$14,250	15 years
2) The acquisition of bleachers for the softball field, including all related costs and expenditures incidental thereto.	\$6,000	\$5,700	15 years
TOTALS	<u>\$1,116,450</u>	<u>\$779,125</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this

ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Borough may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.66 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$779,125, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$99,950 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or, if other than the State Grant in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide s

secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilwoman Tackach moved for introduction seconded by Councilwoman Jenkins and carried by the following roll call votes: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

Council President DiMura thanked the Finance Committee for their work done on this capital budget and stated that this budget was kept under \$1,000,000 and included the paving of secondary roads and the cleaning of the stream areas in the borough, which are much needed.

PROCLAMATIONS-NONE

ADOPTION OF MINUTES

Councilwoman Jenkins moved the approval of the July 24, 2012 Regular Meeting Minutes seconded by Councilman Kaplan and carried by a unanimous vote of Council.

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance
 - (a) Council President DiMura moved the approval of the June, 2012 Finance Report seconded by Councilwoman Jenkins and carried by a unanimous vote of Council.
2. Recreation/Recreation Fields/Water & Light
 - (a) Councilwoman Tackach received e-mail from Recreation Director about men's softball team drinking on a borough field which is not allowed. She has also notified the Police Chief. Because this area is covered under the Recreation Department, Attorney Aithal indicated that Council can make a recommendation to the department to recommend that they revoke their permit. A resolution will be approved this evening to make this recommendation to the Recreation Department.
 - (b) Councilwoman Tackach mentioned that the Recreation Dept. will show the “Parent Trap” movie in the park on Friday, August 17th at 8:30 p.m.
3. Fire/OEM/Board of Health/Rescue Squad

(a) Councilman Kaplan met with the engineer and walked the area of First through Fifth Street including Cap Lane and indicated that we are waiting for FEMA to get the overview of the area so that we can apply for the permit to desnag the streams. This should be received by next week.

(b) Councilman Kaplan and Council President DiMura met with Lori Thompson, and we are moving forward to apply for the FEMA Grant for the next set of homes that meet all the requirements and criteria. Certified letters will be sent to those people and we will be moving forward to apply for this grant. Council President DiMura stressed that we will continue to apply for grants for buy outs or elevation whether there is a flood or not, we will allocate money in the budget to apply for these grants yearly, and continue to be proactive.

4. Public Works/Parks/Sanitation/Recycling – Councilwoman Jenkins had nothing to report.
5. Police/Legal/Code Enforcement/Municipal Court – Councilman Paff was absent.
6. Administration/Office on Aging/Legislation/License/Buildings & Grounds – Councilman First was absent.

REPORTS – NONE

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2012(O)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from this Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #183-12 - #189-12

Council President Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #183-12

WHEREAS, the Governing Body wishes to revise the Purchasing Manual; and

WHEREAS, the following Borough of Middlesex thresholds will be in effect;

- I. purchase order to the vendor, one for vendors' record and one to be returned to the Borough for payment. A third copy goes to the requisitioning department.
- II. If value is over \$250, the Chief Finance Officer obtains signed approval of the Council Chairperson and two members of the Finance Committee, returns requisition to the Purchasing Agent to complete procedure of Paragraph I.
- III. If value is over \$1,500, three prices must be solicited and the purchase made from the lowest responsible bidder. This applies even if the purchase is exempt from formal bidding if over \$29,000.
- IV. If value is over \$29,000, formal specifications must be prepared and approved by the Governing Body for advertisement of sealed bids.
- V. If value is over \$29,000 and being purchased under a State Contract or Cooperative Purchasing Council, it must be approved by a resolution of the Governing Body.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Governing Body is hereby authorized to execute the revised Purchasing Manual.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #184-12

WHEREAS, Ed Greenfield, the homeowner of 437 High St, made application to the Board of Adjustment for a variance to build a garage at said address; and

WHEREAS, Check No. 1643 dated 07/06/2012 payable to the Borough of Middlesex, was submitted in the amount of \$300.00 in payment of said application; and

WHEREAS, check no. 1644 dated 07/06/2012 payable to the Borough of Middlesex, was submitted in the amount of \$1000.00 in payment of escrow and

WHEREAS, said homeowner at 437 High St, Block 39, Lot 17 cancelled the application to the Board of Adjustment and has requested refund of the fees; and

WHEREAS, the application had not progressed to the review stage.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1300.00 in favor of Edward Greenfield, 437 High St, Middlesex, NJ 08846 for refund of fee for Board of Adjustment application and escrow.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #185-12

WHEREAS, James J. Reid was issued a street opening permit on 8/2/11; and

WHEREAS, J.H Reid On-Site Recycling deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, twenty-five percent of said fee shall be taken out for administration charges; and

WHEREAS, said roadway at 172 Baekeland Ave was inspected by Angelo Rossi, Plumbing Inspector, found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of J. H. Reid On-Site Recycling, 172 Baekeland Avenue, Middlesex, NJ 08846 for refund of Street Opening Permit No. 2011-01.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #186-12

WHEREAS, Jeffrey Buccellato was issued a street opening permit on 01/17/2012; and

WHEREAS, Jeffrey Buccellato deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 519 Fairview Avenue was inspected by the Dept. of Public Works and Angelo Rossi, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Jeffrey Buccellato, 313 Beechwood Ave, Middlesex NJ 08812, for refund of Street Opening Permit No. 2012-001.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #187-12

The Chief Financial Officer is hereby authorized to cancel the following encumbrances from the Capital Ordinances in the total amount of \$40,108.28:

Date	PO #	Vendor Name	Amount	Ord.#
4/14/2010	46787	DeSesa Engineering	\$ 3,225.17	1686-06
12/15/2008	43908	Absolute Fire Protection	\$ 214.00	1687-06
8/28/2008	43239	Sherwin Williams	\$ 642.68	1493-00
6/14/2006	37902	T&M Associates	\$ 36.77	1687-06
3/30/2007	39818	T&M Associates	\$ 10.02	1687-06
5/24/2007	40142	T&M Associates	\$ 40.89	1643-05
10/15/2007	41076	T&M Associates	\$ 1,184.00	1687-06
4/22/2008	42395	T&M Associates	\$ 29.88	1548-01
5/21/2008	42611	T&M Associates	\$14,752.83	1605/1599-04
1/21/2009	44089	T&M Associates	\$15,376.32	1590-03
10/7/2009	45725	Tektron	\$ 800.00	1736-08
10/9/2007	41026	Transnet	\$ 3,795.72	1718-06

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #188-12

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the Governing Body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the Governing Body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 – A local officer or member of a Local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Middlesex, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #189-12

Hiring Dorothy Coren, 20 Mead Avenue, Middlesex, NJ at \$12.00 as temporary help in the Construction Office from August 22nd – August 31st to cover the office while the construction clerk is on vacation.

Council President DiMura stated that the following resolutions which will rescind the 2012 Calendar Year Budget, amend the budget and then readopt the budget must be done due to the fact that when we submitted the budget the State advised us that the funds that we were using for surplus in the amount of \$400,000 were based on the FEMA appropriation last year. The state ruled that we cannot use non-cash, even though the auditors from last year and this year felt it could be used. Basically we have to rescind the budget, amend the budget and make changes in the miscellaneous revenues for Hurricane Irene and the Reserve for Insurance Refund. Because of the reduction of \$400,000, we will go into surplus next year with \$125,000 and loose the reserve for the insurance fund. Council President DiMura indicated that this will not affect the tax rate, but this had to be done to amend the budget and get it approved by the State.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #190-12

RESOLUTION TO RESCIND 2012 CALENDAR YEAR BUDGET

WHEREAS, the Borough of Middlesex, Middlesex County, NJ adopted its budget via local examination process on July 10, 2012, and

WHEREAS, the local budget for 2012 included the utilization of non-cash surplus, which, based upon the review of the Division of Local Government Services has not been approved and cannot be utilized, and

WHEREAS, the Division of Local Government Services has instructed the Borough to replace the non-cash surplus item of revenue with other existing cash sources of revenue, and

WHEREAS, in order to comply with the request of the Division of Local Government Services, the adoption of the 2012 Municipal Budget is to be rescinded and re-adopted, upon the passing of an amendment to revise the 2012 revenues as indicated.

NOW, THEREFORE, BE IT RESOLVED, that the adoption of the Municipal Budget for the year 2012, certified on July 10, 2012, is hereby and duly rescinded.

BE IT FURTHER RESOLVED, that a copy of this resolution be forward to the Director of the Division of Local Government Services.

Councilwoman Jenkins made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #191-12

RESOLUTION TO AMEND 2012 CALENDAR YEAR BUDGET

WHEREAS, the local municipal budget for the calendar year 2012 was approved on the 13th day of March, 2012, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved amended budget, as directed by the Division of Local Government Services;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, New Jersey, that the following amendments to the approved budget for the calendar year 2012 be made:

	Ayes	Nays	Abstained
Recorded Vote	(DiMura	((
(Insert last names)	(Jenkins ((
	(Kaplan		Absent

	(Tackach (((First (Paff (
		<u>From</u>	<u>To</u>
Current Fund - Anticipated Revenues:			
General Revenues			
1. Surplus Anticipated		\$ <u>825,000.00</u>	\$ <u>525,000.00</u>
Total Surplus Anticipated		<u>825,000.00</u>	<u>525,000.00</u>
3. Miscellaneous Revenues			
Section G: Special Items of Revenue Anticipated			
with Prior Written Consent of the Director of Local			
Government Services - Other Special Items:			
FEMA - Hurricane Irene		-	180,000.00
Reserve for Insurance Refund		<u>-</u>	<u>120,000.00</u>
Total Miscellaneous Revenues - Section G		<u>82,063.50</u>	<u>382,063.50</u>
Total Miscellaneous Revenues		<u>3,566,391.37</u>	<u>3,866,391.37</u>
5. Subtotal General Revenues		4,986,085.47	4,986,085.47
7. TOTAL GENERAL REVENUES		<u>\$ 16,395,744.63</u>	<u>\$ 16,395,744.63</u>

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the calendar year 2012 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 14th day of August, 2012.

Councilwoman Jenkins made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #192-12

RESOLUTION TO ADOPT 2012 MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 10,884,926.21 (Item 2 below) for municipal purposes
- (e) \$ 524,732.95 (Item 5 below) Minimum Library Tax

Recorded Vote
(Insert last name)

	(DiMura	(Abstain(
Ayes	(Jenkins	Nays	(
	(Kaplan	((
	(Tackach	((
	((Absent (Paff
	(((First

Current Fund:

SUMMARY OF REVENUES

1. General Revenues

Surplus Anticipate	\$ 525,000.00
Miscellaneous Revenues Anticipated	3,866,391.37
Receipts from Delinquent Taxes	594,694.10

2. Amount to be Raised by Taxation for Municipal Purposes (Item 6[a], Sheet 11)

10,884,926.21

5. Amount to be raised by taxation minimum library levy

524,732.95

Total Revenues

\$ 16,395,744.63

SUMMARY OF APPROPRIATIONS

5. General Appropriations:

Within "CAPS"

(a&b) Operations Including Contingent	9,737,068.93
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(e) Deferred Charges and Statutory Expenditures – Municipal	1,398,402.00
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Excluded from "CAPS"

(a) Operations - Total Operations Excluded from "CAPS"	3,157,948.45
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(c) Capital Improvements	64,050.00
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(d) Municipal Debt Service	1,278,275.25
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(e) Deferred Charges - Municipal	55,000.00
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(m) Reserve for Uncollected Taxes	<u>705,000.00</u>
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Total Appropriations

\$ 16,395,744.63

Swimming Pool Utility Fund:

Total Revenues

\$ 372,800.00

Total Appropriations

\$ 372,800.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 14th day of August, 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Councilwoman Jenkins made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #193-12

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Kaplan made a motion for approval, seconded by Councilwoman Jenkins and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #195-12

WHEREAS, it has come to the attention of the Borough Council that members of a team in the Men's Softball League sanctioned through the Recreation Department have been consuming alcohol on borough property; and

WHEREAS, all teams in the men's Softball League have been on notice that alcohol is not to be consumed during, before or after games on borough property; and

WHEREAS, ample notice has been provided by the Recreation Department that alcohol cannot be consumed; and

WHEREAS, there is concern of this reckless conduct in terms of safety of borough residents.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. The Governing Body shall strongly urge the Recreation Department to revoke the authorization of the Men's Softball League to continue to use Borough Property until further satisfactory assurances that such conduct will cease and not recur.
2. This recommendation shall take effect immediately and be transmitted to the Director of Recreation for consideration and action.

Councilwoman Jenkins made a motion for approval, seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: DiMura, Jenkins, Kaplan, and Tackach. Nos.: None. Abstain: None.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Master Plan – Council President DiMura requested that any suggestions regarding the Master Plan be forwarded to Mayor Dobies before the next meeting.
2. Middlesex Pop Warner Pep Rally – The governing body has been invited to the Pop Warner Pep Rally to be held at 6pm on Thursday, August 23 at Cook Field. Please RSVP.
3. Amendment to the Sewer Ordinance – Council President DiMura asked the Finance Committee to review this ordinance first, and the Administrative Committee to review again, as he feels it is unfair to the residents that they pay the same amount as the businesses. Council President DiMura would like this ordinance back on the Agenda for Council to discuss at the September 25, 2012 Regular Meeting.
4. Landlord Rental Property Registration Ordinance – This ordinance was forwarded to the Administrative Committee to discuss and bring back to Council at the September 25, 2012 Regular Meeting.
5. AFLAC – Flexible Spending Account – The CFO indicated that AFLAC will be coming in on August 23, 2012 to discuss the flexible spending account with all employees. Council agreed to a limit of \$1000 per year for the employees to contribute to this account at this time.
6. September 11, 2012 Regular Meeting – Council agreed to reschedule this meeting for September 18th.
7. New Journey – Council President DiMura mentioned that on Friday Middlesex County went to court with New Journey and they got an injunction to shut them down. New Journey went back to appeal this injunction, and they were given until August 16 to file this appeal and the County will have until August 20th to respond. At this time they are not shut down.
8. Board of Health/Council Meeting – A special meeting will be held between the governing body and the Board of Health for September 6th at the Library at 7PM. The discussion will be Spray Tec. The Board of Health will then follow with their regular meeting.
9. Councilman Kaplan recommended that the Purchasing Agent forward the updated Purchasing Manual to all Department Heads and having them sign that they received it.

PUBLIC COMMENTS

Council President DiMura opened the Public Portion of the meeting for any comments.

John Ericson, 209 Second Street stated that he appreciated the Council's efforts regarding the flood. Mr. Ericson also discussed the AFLAC Spending Account and recommended that Council increase the employee contribution amount.

Pete Wozniak, 1200 Sheridan Avenue discussed (1) Court decision on COAH; (2) Pretreatment program for sewage usage and the monitoring of the businesses in the borough; and (3) Budget Amendment and readoption of the 2012 Budget and if it effects next year's tax levy.

John Hoffman, 455 Lincoln Boulevard discussed (1) the enforcing of public intoxication on the ball fields; (2) picking up of garbage from private events in town; (3) the functions of the Acting Superintendent with regard to picking up garbage; and (4) New Journey operating its business.

Council President DiMura addressed all issues that were discussed in the public.

Seeing that there was no further public comment, Council President DiMura closed the public portion of the meeting.

The Borough Clerk read the following resolution:

BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex that:

Resolution #194-12

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Personnel – Permanent Part-Time Workers (Holidays)
2. Department Head Salaries
3. Piscataway Sewer Agreement

Council President DiMura made a motion for approval, seconded by Councilwoman Tackach and carried by the following roll call vote: Ayes: Members DiMura, Jenkins, Kaplan and Tackach. Nos.: None. Abstain: None.

ADJOURNMENT

Council President DiMura made a motion to adjourn the Regular Meeting seconded by Councilman Kaplan and carried by unanimous vote of members present.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

